

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on October 12, 2006, the Examiner claims 94-95, 100-108, 110, 114-115 under 35 U.S.C. 103(a) as being unpatentable over Georgetown University Employment Services (hereinafter "Georgetown") in view of Kravetz et al (United States Patent No. 6,397,196, hereinafter "Kravetz"), rejected claim 96 under 35 U.S.C. 103(a) as being unpatentable over Georgetown in view of Kravetz and in further view of Official Notice, rejected claims 99 and 113 under 35 U.S.C. 103(a) as being unpatentable over Georgetown in view of Kravetz in further view of Risafi et al (United States Patent No. 6,473,500, hereinafter "Risafi"), and rejected claim 117 under 35 U.S.C. 103(a) as being unpatentable over Georgetown in view of Kravetz in further view of an article by Rusty Cawley ("New Texas Capital product marries payroll, ATMs", hereinafter "Cawley").

Applicant expresses appreciation for the Examiner's Interview that was conducted on February 26, 2006. As provided in the Interview Summary, a discussion took place relative to the present application, distinguishing the present invention from the art of record. Such amendments discussed are provided herein.

Applicant respectfully submits that the standard for a Section 103 rejection is set for in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.**

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest all of the claim limitations as provided herein. Accordingly, Applicant respectfully submits that the cited references do not make obvious the claims provided herein. In particular, independent base claim 94 recites a method for providing payroll access to an employee upon demand by said employee, the method comprising: receiving an electronic request for said payroll access against wages of said employee, wherein said request is made from said employee to a third party who is not an employer of said employee, wherein said wages have been or will be earned by said employee but not yet been paid by said employer of said employee, and wherein said payroll access is upon demand by said employee and at a frequency that is determined by said employee based upon predetermined criteria; authorizing a distribution of payroll by the third party based upon said electronic request; automatically distributing said payroll distribution to said employee; and deducting an amount corresponding to said payroll distribution from a future wage payment to said employee. Such limitations are supported by the disclosure as originally filed.

In contrast, the references cited by the Examiner, alone or in combination, do not teach or suggest all the limitations of independent base claim 94. For at least this reason, Applicant respectfully submits that the references cited by the Examiner, alone or in combination, do not teach or suggest all the claim limitations of independent base claim 94. And, since the references cited by the Examiner do not teach or suggest each and every limitation of independent claim 94,

Applicant respectfully submits that the prior art references do not make obvious independent claim 94. And, since the prior art references do not make obvious independent claim 94, Applicant respectfully submits that the prior art references cited by the Examiner do not make obvious the corresponding claims that depend from independent base claim 94.

Similarly, independent base claim 107 recites a method of providing payroll access to an employee upon demand by said employee, the method comprising: receiving an electronic request from said employee for said payroll access against wages of said employee, wherein said request is made from said employee to a third party who is not an employer of said employee, wherein said wages have been or will be earned by said employee but have not yet been paid by said employer of said employee, wherein said payroll access is upon demand by said employee and at a frequency that is determined by said employee based upon predetermined criteria, and wherein said request originates from an automated teller machine and is transmitted over a computer network; authorizing a distribution of payroll funds by said third party without restrictions of said third party and based upon said wages; distributing an amount of said payroll funds to said employee through said automated teller machine; and deducting said amount of said payroll funds distributed through said automated teller machine from a future wage payment to said employee. Such limitations are supported by the disclosure as originally filed.

In contrast, the references cited by the Examiner, alone or in combination, do not teach or suggest all the limitations of independent base claim 107. For at least this reason, Applicant respectfully submits that the references cited by the Examiner, alone or in combination, do not teach or suggest all the claim limitations of independent base claim 107. And, since the

references cited by the Examiner do not teach or suggest each and every limitation of independent claim 107, Applicant respectfully submits that the prior art references do not make obvious independent claim 107. And, since the prior art references do not make obvious independent claim 107, Applicant respectfully submits that the prior art references cited by the Examiner do not make obvious the corresponding claims that depend from independent base claim 107.

Similarly, independent claim 118 recites a method for providing a payroll advance to an employee upon demand by said employee, the method comprising: receiving a request from said employee for said payroll advance against wages of said employee, wherein said request is made from said employee to a third party who is not an employer of said employee, wherein said wages have not yet been paid, and wherein said payroll advance is upon demand by said employee and at a frequency that is determined by said employee based upon predetermined criteria; authorizing a distribution of payroll by the third party based upon said request; automatically distributing said payroll distribution to said employee; and deducting an amount corresponding to said payroll distribution from a future wage payment to said employee. Such limitations are supported by the disclosure as originally filed.

In contrast, the references cited by the Examiner, alone or in combination, do not teach or suggest all the limitations of independent claim 118. For at least this reason, Applicant respectfully submits that the references cited by the Examiner, alone or in combination, do not teach or suggest all the claim limitations of independent claim 118. And, since the references cited by the Examiner do not teach or suggest each and every limitation of independent claim

118, Applicant respectfully submits that the prior art references do not make obvious independent claim 118.

Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

PATENT APPLICATION

Serial No. 09/782,756

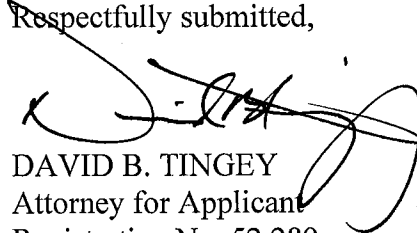
Docket No. 11129.2

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 14th day of March, 2007.

Respectfully submitted,



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